



# Leading Justice Into the Future

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OPERATIONAL PLAN FOR  
CALIFORNIA'S JUDICIAL BRANCH  
FISCAL YEARS 2003–2004 THROUGH 2005–2006

Adopted December 5, 2003



JUDICIAL COUNCIL  
OF CALIFORNIA

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JUDICIAL COUNCIL  
OF CALIFORNIA

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ADMINISTRATIVE OFFICE  
OF THE COURTS

Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
(415) 865-4200  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

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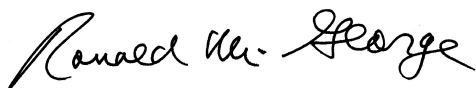
Dear Friend of the Courts:

We are pleased to present this plan for achieving the goals set by the Judicial Council for the California court system.

In its strategic plan, *Leading Justice Into the Future*, the Judicial Council has established six overarching goals. This operational plan sets forth specific short-term and long-term objectives through which those goals will be achieved during the next three years. Intended to be a living, breathing document to direct and inform the work of the California courts and the Administrative Office of the Courts, the operational plan will undergo regular assessment to ensure that it remains appropriate to changing times and priorities (next council review, June 2004). We welcome your input into this important planning process.

These are challenging times for the judicial branch, which faces the dueling demands of increasing needs and decreasing resources. Guided by our goals and united by the common purpose of ensuring equal justice for all Californians, we can turn challenge into opportunity.

Sincerely,



Ronald M. George  
*Chief Justice of California and  
Chair of the Judicial Council*



William C. Vickrey  
*Administrative Director of the Courts and  
Secretary of the Judicial Council*

# Introduction

## **JUDICIAL COUNCIL OPERATIONAL PLAN FISCAL YEARS 2003–2004 THROUGH 2005–2006**

The Judicial Council Operational Plan is a three-year plan linked to the six goals identified in the Strategic Plan, *Leading Justice Into the Future*. The Operational Plan articulates high-priority, state-level operational objectives, or ends (rather than activities, or means), and desired outcomes of each. Desired outcomes are expressed in measurable terms to provide a more concrete understanding of the objectives.

The Operational Plan is not an exhaustive inventory of activities to be performed at the state level but rather a short-term “agenda” of results the council wishes to achieve through its own efforts and those of its advisory committees and the Administrative Office of the Courts. The 14 objectives outlined in the plan include new as well as traditional ongoing priorities.

The Judicial Council adopted its inaugural three-year Operational Plan in August 2000, and undertook the regularly scheduled revision of the plan beginning early in 2003. Acting on behalf of the council, staff at the Administrative Office of the Courts solicited input from judicial branch stakeholders statewide for the council’s review at its annual planning meeting, which took place in July 2003. At that time the council settled on priorities befitting California’s changing fiscal and demographic environments. The resulting plan, adopted on December 5, 2003, covers fiscal years 2003–2004 through 2005–2006, and will be reviewed and evaluated annually at the council’s planning workshop and at other appropriate times to ensure that it successfully addresses the council’s broad vision for the future of the state’s judicial system and the complex issues facing the California courts.

## **ABOUT THE JUDICIAL COUNCIL OF CALIFORNIA**

The 27-member Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice, it is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the staff agency to the council. As the head of the third branch of government, the Judicial Council pursues a variety of other duties and responsibilities, defined by the state Constitution as well as by numerous statutes and legislation to improve the administration of justice.

# Part 1

## **INDEPENDENCE AND ACCOUNTABILITY (GOAL II)**

The judiciary is an institutionally independent, co-equal branch of government that responsibly seeks, uses, and accounts for public resources necessary for its support. The independence of judicial decision making will be protected.

## **EDUCATION (GOAL V)**

The effectiveness of judges, court personnel, and other judicial branch staff will be enhanced through high-quality continuing education and professional development.

### **Issue Statement**

Under the California Constitution, the judiciary is one of the three equal branches of state government. The judiciary must, like the executive and legislative branches, fulfill its constitutionally and statutorily mandated responsibilities while independently directing and controlling its operations and resources.

The objectives in this section are designed to ensure that judges and those who work with them have the ability to meet their responsibilities. They focus on the importance of adequate resources for the judicial branch, which secures its funding through the legislative process. Serving justice should not be determined by fluctuating fiscal circumstances; rather, the courts need to be able to serve justice in all times and economic environments. This means stable, adequate funding to provide for core court functions, as well as resources that will ensure that judicial branch staff are properly trained and prepared to serve the public. These objectives also ensure that judges have the independence to decide cases free from any external pressure or fear of reprisal. In pursuing these objectives, the courts demonstrate their abiding commitment to meeting their responsibilities and retaining the confidence of the public as an independent, fair, and impartial arbiter of disputes.

**PROPOSED OBJECTIVE**

**1. Foster** the judicial branch's authority, responsibility, and accountability for overseeing the business of the branch as a distinct, separate, and co-equal branch of state government.

**DESIRED OUTCOMES TO BE ACHIEVED BY JUNE 2006**

- A. *Judicial Branch Governance.* Review and evaluate administrative, statutory, and constitutional strategies, and present recommendations to foster the independence and accountability of the judicial branch, taking into consideration issues such as:
- (1) Increasing the tenure of Judicial Council members to provide for continuity of leadership;
  - (2) Supporting strategies to confirm the Supreme Court's inherent and primary authority over admission and discipline of attorneys licensed to practice law;
  - (3) Increasing the judicial branch's policymaking authority in furtherance of the independence, accountability, and co-equal status of the judicial branch;
  - (4) Strengthening the role of court administrators on the council while maintaining the relative voting strength of the judicial members;
  - (5) Modifying the appointment process for State Bar members of the Judicial Council;
  - (6) Changing the time when judges and justices first stand for election after appointment;
  - (7) Strengthening statewide rule-making authority; and
  - (8) Fostering the establishment of local court governance procedures to enhance continuity of leadership.
- B. Increase judicial branch accountability by:
- (1) Establishing a comprehensive program for financial and administrative performance audits to be conducted on a regular schedule, or as requested by branch leadership; and
  - (2) Evaluating and recommending options for making additional disciplinary remedies available to the Commission on Judicial Performance (CJP), perhaps including early intervention measures.



**PROPOSED OBJECTIVE****DESIRED OUTCOMES TO BE ACHIEVED BY JUNE 2006****2. Develop and imple-**

**ment** a systemic approach to judicial branch education that enhances effectiveness, efficiency, and consistency.

- A. Identify educational activities for the judicial branch and, when appropriate, work in partnerships to maximize the use of branch resources.
- B. Foster the development of educational plans for judicial branch members to assist in their career development.
- C. Develop a branchwide educational system to prepare judges for their specific case assignments.
- D. Establish a comprehensive branchwide educational system that incorporates distance learning methods and technology and that includes coordination with both local and national providers.
- E. Develop partnerships with colleges and universities to create educational programs that culminate in certificates and degrees for judicial branch personnel.

**3. Stabilize** judicial branch funding to support the core functions of the courts that are necessary to provide fair, equal, and accessible justice. Develop a comprehensive plan, including options and recommendations for implementation.

- A. Establish a baseline budget adjustment process for the trial courts that, at a minimum, achieves parity with other branches of government with regard to the treatment of fluctuating operational costs (such as retirement costs).
- B. Develop a formula that uses service levels and staffing standards to justify and guide funding adjustments based on workload changes in the courts. Obtain support from our sister branches of government for its implementation. This effort encompasses the following actions:
  - (1) Develop and implement staffing standards to augment staff resources for trial courts in a manner that is formula-based and workload-driven.
  - (2) Develop a phase-in process for the reallocation of existing resources based on staffing standards.
  - (3) Explore options to ensure adequate judicial resources in each court, based on workload and consistent with the council's policy regarding the utilization of subordinate judicial officers.

**PROPOSED OBJECTIVE****DESIRED OUTCOMES TO BE ACHIEVED BY JUNE 2006**

- (4) Pursue necessary court judgeships based on the judicial needs methodology and assessments.
- (5) Implement fiscal and program standards for allocating and using judicial and staff resources.
- (6) Establish a process for identifying core court functions.

- C. Make recommendations to stabilize court funding. Consider funding options that will decrease reliance on the General Fund.
- D. Assess options and present recommendations for submitting the judicial branch budget to the Governor and Legislature.
- E. Identify means and resources to support and facilitate local labor negotiations.

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**4. Develop** a comprehensive compensation policy that is consistent with the independence of the judicial role in resolving cases and settling disputes and that will attract and retain the highest-caliber judges. Present a comprehensive plan and recommendations.

- A. Amend the Judges' Retirement System II (JRS II) to meet the present-day needs of judges and to attract and retain judges at all age levels.
- B. Establish a process to implement and maintain salary levels at a level consistent with the constitutional office. Include other options in addition to the creation of a compensation commission.
- C. Develop a judicial service program that is a one-stop source of information and support regarding compensation, benefits, and additional resources for judicial officers.
- D. Establish consistent and appropriate statewide judicial benefits.
- E. Establish a program to enhance the retention of judges who have met the service or age requirements for retirement.

**PROPOSED OBJECTIVE**

**DESIRED OUTCOMES TO BE ACHIEVED BY JUNE 2006**

**5. Assess** the standards for determining levels of resources for cases involving children and families. Ensure that authorized resources are allocated in a way that is consistent with these standards.

A. Present recommendations for stable funding based on branchwide baseline standards for judicial and staff resources so that courts can appropriately adjudicate family and juvenile matters (including dissolution, child custody, domestic violence, child support, probate guardianship, juvenile dependency, and juvenile delinquency cases).

## Part 2

### **MODERNIZATION OF MANAGEMENT AND ADMINISTRATION (GOAL III)**

Justice will be administered in a timely, efficient, and effective manner that utilizes contemporary management practices; innovative ideas; highly competent judges, other judicial officers, and staff; and adequate facilities.

### **TECHNOLOGY (GOAL VI)**

Technology will enhance the quality of justice by improving the ability of the judicial branch to collect, process, analyze, and share information and by increasing the public's access to information about the judicial branch.

### **Issue Statement**

Landmark legislation of the past decade—most notably the Lockyer-Isenberg Trial Court Funding Act of 1997 and Proposition 220—has greatly improved the quality and consistency of court operations in California. Owing to scarce resources, however, too many courts still operate with outdated business practices and technology, and there is still little statewide consistency in administrative operations. Managing a court in the absence of modern, uniform business practices jeopardizes the timely and just resolution of disputes and the effective administration of justice. The operation of the judicial branch must be current and consistent, and it must respond to the diverse needs of California's 58 court systems, both large and small, spread over one of the largest and most populous states in the Union. The objectives presented in this portion of the Judicial Council's Operational Plan are intended to ensure that all the state's courts share in advances in management and technology that eliminate redundant expenditures, take advantage of operational efficiencies, and facilitate coordinated approaches to statewide issues.

**PROPOSED OBJECTIVE**

**1. Create** a statewide infrastructure for finance, technology, human resources, and legal services that provides more consistent, uniform, and cost-effective administrative services and programs to support daily court operations. Present a plan for implementation.

**DESIRED OUTCOMES TO BE ACHIEVED BY JUNE 2006**

- A. *Finance.* Develop and implement the necessary fiscal accountability infrastructure to support the operations of the courts, including:
  - (1) The statewide rollout of the Court Accounting and Reporting System (CARS)—the new trial court financial system;
  - (2) The Trial Court Accounting Processing Center, which supports CARS;
  - (3) Comprehensive, statewide audit services;
  - (4) Statewide contracting and procurement services; and
  - (5) A centralized treasury for use by all trial courts.
- B. *Technology.* Develop court technology initiatives that:
  - (1) Provide a Judicial Branch Technology Center for use by all the courts;
  - (2) Present a plan for the courts' transition to the technology center;
  - (3) Stabilize courts with critical needs;
  - (4) Focus on a select number of viable case management systems; and
  - (5) Support the continued implementation of the California case management system by courts statewide.
- C. *Human Resources.* In collaboration with court executive officers, create a plan for the development and implementation of the human resources (HR) service delivery systems for the trial courts, affecting, among other things, labor negotiations/relations, benefits and pension plan design and administration, payroll, workforce planning and diversity, policy development, and the Human Resources Management Information System (HRMIS).
- D. *Legal Services.* Provide the courts with comprehensive legal services (excluding research on pending cases conducted by court research attorneys). Ensure that all courts have access to the necessary services, which the AOC is required to provide.

PROPOSED OBJECTIVE	DESIRED OUTCOMES TO BE ACHIEVED BY JUNE 2006
<p>E. Develop a fiscal system for the courts that enables them to comply with the judicial branch budget procedures and provides necessary accountability.</p> <hr/> <p><b>2. Take initial steps</b> toward the long-term goal of obtaining satisfactory facilities, by implementing facilities legislation.</p>	<p>A. Adopt a methodology for prioritizing capital outlay. Adopt a five-year capital plan with annual reviews and updates.</p> <p>B. Establish policies and approve procedures that implement facilities planning, acquisition, construction, operations, and maintenance.</p> <p>C. Secure a reliable revenue source and seek additional resources for both capital outlay and ongoing maintenance and operations.</p> <p>D. Develop alternative strategies to accommodate fluctuations in funding conditions over time.</p> <p>E. Establish a process that ensures input from courts to address immediate and long-term facility issues.</p> <p>F. Develop a bond measure for court facilities to address existing deficiencies.</p>
<p><b>3. Promote</b> the efficient use of resources by establishing AOC technical assistance and consulting services, improving management of court consultants, and encouraging court-to-court mentoring and collaborations.</p>	<p>A. Through the regional offices, establish consulting and technical assistance services that use internal and external expertise to support effective practices within the courts. AOC divisions and courts will report on their use of consultants, with annual individual performance evaluations for each consulting contract.</p> <p>B. Create a clearinghouse to provide courts with resource information about the availability of internal and external consulting services and expertise.</p> <p>C. Establish mentor courts as learning laboratories for the dissemination of promising and effective practices, such as jury service and collaborative justice initiatives.</p>

## Part 3

### **ACCESS, FAIRNESS, AND DIVERSITY (GOAL I)**

All Californians will have equal access to the courts and equal ability to participate in court proceedings, and will be treated in a fair and just manner. Members of the judicial branch community will reflect the rich diversity of the state's residents.

### **QUALITY OF JUSTICE AND SERVICE TO THE PUBLIC (GOAL IV)**

Judicial branch services will be responsive to the needs of the public and will enhance the public's understanding and use of and its confidence in the judiciary.

### **Issue Statement**

These strategic goals are interdependent: To serve the ends of justice, the courts must be accessible to all people and treat each person fairly. To be a relevant and stabilizing force in society, they must be responsive to societal needs and foster the trust and confidence of the public.

The courts serve many communities, resolving disputes affecting every sector of society, from complex business litigation to small claims. Recent years have seen explosive growth in the numbers of unrepresented and non-English-speaking court users. The objectives that follow in this section of the Judicial Council's Operational Plan present strategies for achieving core council values—parity for all Californians in access to and quality of justice.

PROPOSED OBJECTIVE	DESIRED OUTCOMES TO BE ACHIEVED BY JUNE 2006
<p><b>1. Evaluate</b> innovative programs and report to the council on the implications of implementing such programs statewide (where appropriate)—including information on the benefits of the programs and their potential impacts on judicial resources.</p>	<ul style="list-style-type: none"> <li>A. Ensure that California’s culturally diverse population has access to information about the courts.</li> <li>B. Evaluate the self-help pilot programs overseen by the council or instituted locally to determine whether and to what degree their programs and practices should be replicated throughout the state.</li> <li>C. Evaluate the council’s collaborative justice programs to identify those that promote case-processing efficiencies and long-term cost avoidance as well as increased access to justice.</li> <li>D. Continue to provide services to non-English-speaking and limited-English-speaking litigants, and ensure access and services for those with disabilities.</li> <li>E. Establish a plan to obtain adequate resources to maintain and implement statewide programs and initiatives such as unified family courts, complex litigation, self-help, alternative dispute resolution, drug and mental health courts, and other collaborative justice models.</li> <li>F. Encourage and foster community-focused court planning efforts.</li> </ul>
<p><b>2. Improve</b> courts’ management of dependency and delinquency cases.</p>	<ul style="list-style-type: none"> <li>A. Work with other stakeholders to develop a comprehensive plan with approaches, programs, and avenues that result in fewer children in dependency cases. Improve court disposition of dependency cases (such as time to permanency for children in foster care).</li> <li>B. Develop and implement uniform standards for the performance, oversight, and fiscal treatment of court-appointed counsel in dependency proceedings.</li> <li>C. Develop and implement uniform standards for the performance and oversight of court-appointed counsel in delinquency proceedings.</li> <li>D. Work with counties to obtain enhanced resources for attorneys representing children in delinquency proceedings.</li> </ul>



**PROPOSED OBJECTIVE**

**DESIRED OUTCOMES TO BE ACHIEVED BY JUNE 2006**

**3. Improve** courts' management of family and children's cases, with particular emphasis on unifying and coordinating court procedures.

- A. Foster the establishment of case management systems in at least six "mentor courts," working toward unification and coordination of family, juvenile, and probate guardianship proceedings.
- B. Assess the current status of calendar management, coordination, and communication in at least six family and juvenile courts.
- C. Evaluate the six mentor courts with regard to case management processes and procedures, and share this information with courts statewide.
- D. Establish and fund a system for ensuring compliance with court orders to protect vulnerable parties (such as minors' compromises).

**4. Assess** the available means of improving (1) the public's access to information about the courts and (2) their understanding of the role of the courts. Implement (and/or make recommendations to the courts for implementing) education programs that enhance customer service and public trust and confidence in the courts.

- A. Provide programs to:
  - (1) Educate and inform the public about the judicial branch's role and responsibilities as a third, independent branch of government.
  - (2) Foster a better understanding of the court system among stakeholders (such as bar members and law schools).
- B. Incorporate issues of access and fairness into all substantive areas through the curriculum-based planning process.

**5. Ensure** that court users have access to certified or registered interpreters.

- A. Present a plan for (1) determining the status of court users' access to certified or registered interpreters and (2) measuring the progress in providing access to certified or registered interpreters in mandated cases.
- B. Implement interpreter legislation and evaluate its impact (Sen. Bills 371 and 818).

**PROPOSED OBJECTIVE**

**DESIRED OUTCOMES TO BE ACHIEVED BY JUNE 2006**

**6. Improve** courts' management of jurors. Implement rules and programs to enhance jury service, as proposed in the *Final Report of the Task Force on Jury System Improvements*.

- A. Promote jury reforms such as the one-day or one-trial system, and sustain outreach to businesses to encourage employers to pay employees when they are on jury service.
- B. Continue to implement the prominent proposals of the Task Force on Jury System Improvements, such as adopting the model jury summons for more effective and efficient juror summoning and employing the Failure to Appear Kit to encourage no-show jurors to complete jury service.

## 2003–2004 JUDICIAL COUNCIL MEMBERSHIP

Hon. Ronald M. George  
*Chief Justice of California and  
Chair of the Judicial Council*

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*Associate Justice of the Supreme Court*

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*Chief Executive Officer  
Superior Court of California, County  
of Orange*

Hon. Patricia H. Wong (Advisory Member)  
*Commissioner of the Superior Court of  
California, County of Sacramento*

Mr. William C. Vickrey  
*Administrative Director of the Courts and  
Secretary of the Judicial Council*